

**RAVALLI COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NUMBER 3000

**RESOLUTION TO ESTABLISH THE RAVALLI COUNTY
STREAMSIDE SETBACK COMMITTEE**

WHEREAS, Title 76, Chapter 2, Part 2 of the Montana Code Annotated authorizes the Board of County Commissioners to enact zoning regulations to protect the public health, safety, and welfare; and

WHEREAS, numerous citizens attending public meetings held on January 24, February 21, and March 13, 2007, supported a County-initiated, broad-based process to study streamside setbacks; and

WHEREAS, after posting legal notice, the Board of County Commissioners conducted a public hearing on the establishment of the Streamside Setback Committee on April 12, 2007;

NOW, THEREFORE, BE IT RESOLVED that the Ravalli County Board of Commissioners hereby creates the Streamside Setback Committee (hereinafter referred to as the "SSC" or the "Committee") with the following provisions:

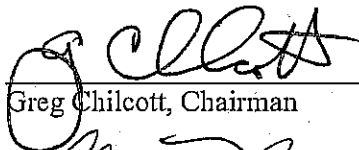
1. The SSC shall consist of eighteen (18) members, and seventeen (17) of those shall be entitled to vote on the Committee's official matters.
2. The Ravalli County Floodplain Administrator shall serve as an ex-officio member.
3. The Board of County Commissioners shall appoint ten (10) of the seventeen (17) voting members as follows:
 - a. three (3) experts in the areas of hydrology, ecology, fish/wildlife biology, geology, or related fields
 - b. two (2) Professional Engineers or Professional Land Surveyors
 - c. two (2) members of conservation organizations
 - d. two (2) owners of property on streams or rivers
 - e. one (1) member of the public at large.
4. The following seven (7) bodies and organizations are invited to select one (1) representative each from among their membership to serve as a voting member on the SSC and their selections shall be confirmed by the Board of County Commissioners:
 - a. Ravalli County Planning Board
 - b. Ravalli County Board of Health
 - c. Ravalli County Right to Farm and Ranch Board
 - d. Bitterroot Conservation District
 - e. Bitterroot Valley Board of Realtors
 - f. Bitterroot Water Forum

- g. The association of the local building industry.
5. All members shall serve for the entire duration of the SSC's activities, except when a position is vacated, either voluntarily or through action by the Board of County Commissioners, in which case a replacement shall be appointed apropos of the provisions above.
 6. Voting members shall serve without salary, but shall be entitled to reimbursements for travel and other expenses incurred in the pursuit of SSC business.

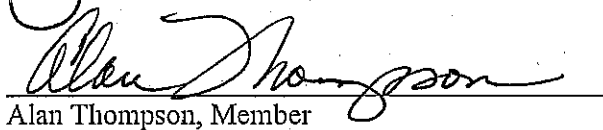
BE IT ALSO RESOLVED THAT the Streamside Setback Committee shall pursue the goals outlined in Exhibit A, and shall generally follow the guidelines and processes described therein, except where this Resolution specifies otherwise.

PASSED AND ADOPTED this 12TH day of April, 2007.


RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS



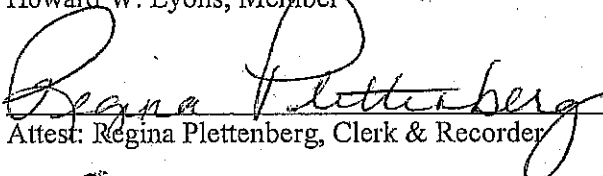
Greg Chilcott, Chairman



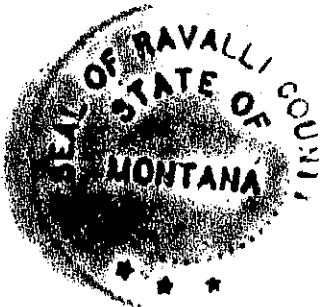
Alan Thompson, Member

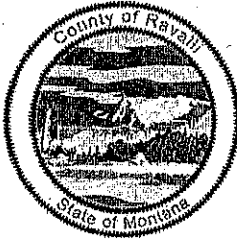


Howard W. Lyons, Member



Attest: Regina Plettenberg, Clerk & Recorder





Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
Fax 406-375-6531
planning@ravallcounty.mt.gov

**RAVALLI COUNTY PLANNING DEPARTMENT
PROPOSAL FOR THE ESTABLISHMENT OF A STREAMSIDE SETBACK COMMITTEE**

February 12, 2007

This document outlines Planning staff's proposal to establish a temporary Streamside Setback Committee (SSC) that would pursue the following goals:

1. Examine the various methods of regulating development near stream corridors, including those local efforts already underway, as well as other alternatives, with particular attention to those methods based on peer-reviewed science and local conditions.
2. Create a proposed streamside setback zoning regulation that would be presented to the Planning Board (PB) and Board of County Commissioners (BCC) for consideration.
3. Conduct a thoroughly transparent and participatory process, frequently soliciting citizen input and incorporating the public's feedback as an integral part of the proposal.

CREATION AND COMPOSITION OF THE COMMITTEE

By resolution, the BCC will create a Streamside Setback Committee consisting of thirteen (13) voting members, and will appoint six (6) of those members based on the following composition:

- Three (3) experts in the areas of hydrology, ecology, fish/wildlife biology, geology, or related fields
- One (1) Professional Engineer or Professional Land Surveyor
- Two (2) members of the public at large

The following bodies and organizations will be invited to elect one (1) representative each from among their membership to serve on the SSC:

- Ravalli County Planning Board
- Ravalli County Board of Health
- Right to Farm and Ranch Board
- Bitterroot Conservation District
- Bitterroot Valley Board of Realtors
- Bitterroot Water Forum
- Bitterroot Building Association

The Ravalli County Floodplain Administrator will serve as an ex-officio (i.e., non-voting) member of the SSC.

It is anticipated that the SSC will conduct informal working sessions, as well as more formal meetings. All meetings will be open to the public. The SSC will develop ground rules to govern their meetings and describe how the public will be involved during different types of meetings. When more formal policy, regulatory, or other such decisions are made, the SSC will decide by a simple majority vote of the members in attendance at any given meeting (seven [7] voting members will constitute a quorum). In some instances, SSC members in disagreement with the majority of Committee members on a key decision may submit a minority report for consideration by the PB and BCC.

The tenure of the SSC shall be temporary. Upon completion of the tasks listed herein, the SSC will dissolve unless the BCC specifically renews its tenure through resolution.

GENERAL PROCEDURE

The following is an overview of key events that will occur in the SSC's pursuit of the three aforementioned goals:

1. BCC creates SSC
2. BCC and associated bodies appoint members to the SSC
3. SSC adopts decision-making rules and procedures
4. SSC develops a timeline for the overall process and a public involvement plan
5. SSC gathers and reviews existing proposals, as well as other potential approaches to streamside setback regulations
6. SSC selects an approach and, if necessary, drafts a proposed regulation
7. PB conducts one or more public hearings on the proposal and delivers a recommendation to the BCC
8. BCC conducts one or more public hearings on the proposal and issues the final decision

ROLES AND RESPONSIBILITIES

In light of the SSC's three goals and the general procedure outlined above, the following is a description of the roles and responsibilities that will be undertaken by relevant bodies within the County.

Streamside Setback Committee

- Adopt a process for fulfilling the three goals, including a timeline that projects when various tasks will be completed, when meetings will be held, and when a final proposal will be presented to the PB and BCC
- Adopt a public involvement plan that accompanies the overall timeline, describing how the public will be informed of the SSC's activities and what opportunities citizens will have for contributing input, e.g. public meetings, open houses, workshops, etc.

- Gather and review approaches for potential streamside setback regulations, including proposals developed locally, regulations used in other jurisdictions, and other conceptual approaches
- Select an approach and adapt it to the local conditions in Ravalli County
- Create a finalized regulatory proposal
- Present the proposal to the PB and BCC

Planning Department Staff

(Excludes the Floodplain Administrator, who will serve as a committee member)

- Generally, provide technical and administrative support to the SSC in the pursuit of its three goals and associated tasks
- Track potential relevant changes to State law and update the SSC, PB, and BCC on these proposals
- Facilitate the meetings of the SSC
- Report the SSC's progress to the BCC on a regular basis
- Draft proposals for a procedural timeline and public involvement plan to be considered and potentially adopted by the SSC
- Assist the SSC with the implementation of the public involvement plan
- Assist the SSC in researching and gathering potential regulatory approaches
- Assist the SSC in drafting or revising a regulatory proposal
- Prepare and deliver a staff report to the PB and BCC prior to the final public review of the SSC's proposal

Planning Board

- Elect one member to serve on the SSC
- Receive progress reports on the SSC's activities from their representatives
- Receive staff report from the Planning Department prior to the final public review of the SSC's proposal
- Conduct one or more public hearings on the SSC's proposal, meeting or exceeding the applicable requirements of Montana State law
- Provide a recommendation to the BCC regarding the SSC's proposal (adoption, adoption with revisions, or denial)

Board of County Commissioners

- Create the SSC by resolution
- Appoint three expert members, two citizen members, and one engineer/surveyor to the SSC; invite associated bodies and organizations to elect additional members
- Receive progress reports on the SSC's activities from Planning Department staff
- Receive staff report from the Planning Department prior to the final public review of the SSC's proposal

- Conduct one or more public hearings on the SSC's proposal following the PB's public hearing(s)
- Consider recommendations from the SSC and the PB
- (If applicable) Adopt a Resolution of Intent to Adopt the Zoning Regulations and advertise the Resolution of Intent
- Collect protests (30 days)
- Adopt a Resolution to Adopt the Zoning Regulations (if any protest does not meet the required threshold)